

CHARLTON REED TIPTON §  
v. § CIVIL ACTION NO. 5:17cv147  
DIRECTOR, TDCJ-CID §

This lawsuit filed by the Plaintiff Charlton Tipton was originally a request for injunctive relief challenging the conditions of confinement at the Telford Unit of the Texas Department of Criminal Justice, Correctional Institutions Division. The motion was severed out of the case in which it was originally filed and transferred to the Texarkana Division of the Eastern District of Texas, wherein the Telford Unit is located. This Court referred the case to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

The sole relief sought by Plaintiff was a transfer to another unit within TDCJ-CID. After this lawsuit was filed, Plaintiff was transferred to another unit. TDCJ-CID records show Plaintiff is currently at the Michael Unit.

After review of the pleadings, the Magistrate Judge issued a Report recommending the lawsuit be dismissed as moot. *See Herman v. Holiday*, 238 F.3d 660, 665 (5th Cir. 2001). However, the Magistrate Judge by separate order also provided Plaintiff with an opportunity to amend his complaint. No amended complaint has been filed.

Plaintiff received a copy of the Magistrate Judge's Report on September 6, 2018, but filed no objections thereto; accordingly, he is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate

review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).


The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law.") It is accordingly

**ORDERED** the Report of the Magistrate Judge (docket no. 14) is **ADOPTED** as the opinion of the District Court. It is further

**ORDERED** the above-styled civil action is **DISMISSED WITHOUT PREJUDICE AS MOOT**. Finally, it is

**ORDERED** that any and all motions which may be pending in this civil action are hereby **DENIED**.

**So ORDERED and SIGNED this 26th day of September, 2018.**

  
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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE